

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

99 FEB 25 AM 9:46

U.S. DISTRICT COURT
N.D. OF ALABAMA

Sub

ENTERED

FEB 25 1999

MICHAEL D. OWENS,

Plaintiff,

vs.

CV 97-C-2557-S

SHARLEN ELROD; LT. MACK KENT;
CHIEF DAVID STANDRIDGE; and
SHERIFF LARRY STATON,

Defendants.

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 2, 1999, recommending that the defendants' motions for summary judgment be granted and that this cause be dismissed without prejudice due to plaintiff's failure to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motions for summary judgment

are due to be GRANTED and this action is due to be DISMISSED WITHOUT PREJUDICE. An appropriate order will be entered.

DONE this the 24th day of February, 1999.

A handwritten signature in cursive script, appearing to read "U. W. Clemon", written over a horizontal line.

U. W. CLEMON
UNITED STATES DISTRICT JUDGE